



10/26/04

AF#

PATENT  
450100-02622

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

RECEIVED

OCT 27 2004

Technology Center 2600

Applicants : Tomoko OYABU et al.  
Serial No. : 09/627,725  
Filed : July 28, 2000  
For : PROGRAM GUIDE INFORMATION PROVIDING DEVICE,  
PROGRAM DEVICE INFORMATION PROVIDING SYSTEM,  
INFORMATION RECEIVING DEVICE, REMOTE OPERATING  
SYSTEM, AND METHOD THEREOF  
Examiner : Son P. Huynh  
Art Unit : 2611

745 Fifth Avenue  
New York, New York 10151  
Tel. (212) 588-0800

EXPRESS MAIL

Mailing Label Number EV468997775US  
Date of Deposit October 25, 2004  
I hereby certify that this paper or fee is being  
deposited with the United States Postal Service  
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Barnet Shindler  
(Typed or printed name of person  
mailing paper or fee)  
[Signature]  
(Signature of person mailing paper or fee)

NOTICE OF APPEAL UNDER 37 CFR 1.191 FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals  
and Interferences from the Examiner's Decision, in the Official  
Action dated April 26, 2004, finally rejecting claims 1-40.


The item(s) checked below are appropriate:

- (1) ☒ This response is being filed concurrently with a No-Fee Petition to Grant Filing of Notice of Appeal Without Payment of the Notice of Appeal Fee and Extension of Time Fees. If such Petition is not granted, then this is a Petition to Request the Appropriate Extension of Time.
- (2) ☒ Notice of Appeal Fee Under 37 C.F.R. 1.17(e):  
\$340.00  
This response is being filed concurrently with a No-Fee Petition to Grant Filing of Notice of Appeal Without Payment of the Notice of Appeal Fee and Extension of Time Fees. If such Petition is not granted, then please charge the Notice of Appeal fee to our Deposit Account No. 50-0320.
- ☐ Enclosed
- ☐ Not required (Fee paid in prior appeal)
- (3) ☒ Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.
- (4) ☒ An Oral Hearing is requested.

(Two additional copies of the Notice are enclosed  
herewith).

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
Dennis M. Smid  
Registration No. 34,930  
Tel. (212) 588-0800



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Tomoko OYABU et al.

Serial No. : 09/627,725

For : PROGRAM GUIDE INFORMATION PROVIDING  
DEVICE, PROGRAM DEVICE INFORMATION  
PROVIDING SYSTEM, INFORMATION  
RECEIVING DEVICE, REMOTE OPERATING  
SYSTEM, AND METHOD THEREOF

Filed : July 28, 2000

Examiner : Son P. HUYNH

Art Unit : 2611

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New York, New York 10151  
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**P.O. Box 1450, Alexandria, VA 22313-1450.**

Barnet Shindler  
(Typed or printed name of person mailing paper or fee)

Barnet Shindler  
(Signature of person mailing paper or fee)

**NO-FEE PETITION TO GRANT FILING OF NOTICE OF APPEAL WITHOUT  
PAYMENT OF THE NOTICE OF APPEAL FEE AND EXTENSION OF TIME FEES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a No Fee Petition to contend that no fees are due for the filing of the Notice of Appeal  
in the above-referenced application.

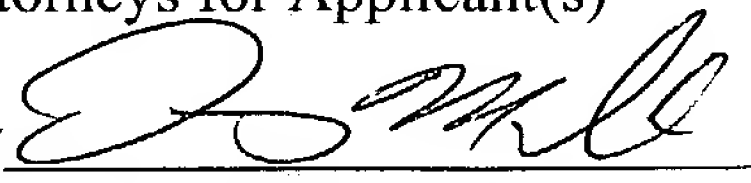
In response to the Final Office Action dated April 26, 2004, a response was timely mailed on May 26, 2004, two months in advance of the shortened statutory period for a reply and received by the U.S. Patent and Trademark Office (PTO) on June 1, 2004, as acknowledged by the enclosed, stamped return receipt postcard. A copy of the Amendment (together with a return receipt postcard) was resent via facsimile to the attention of Examiner Son P. Huynh on October 22, 2004. This matter was also discussed during telephone conferences between the Examiner and Dennis Smid (one of the applicants' undersigned attorneys) and Theo Kountotsis (one of the applicants' undersigned patent agents) on October 22, and 25, 2004.

Applicants submit that since a response to the Final Office Action was mailed within two months of the mailing date of the Final Office Action and since an Advisory Action has apparently not yet been mailed (as indicated by a search conducted today in the Patent Application Information Retrieval ("PAIR"), a copy of which is enclosed), the shortened statutory period should be extended until at least today. As a result, no extension of time fees in this matter should be due.

The Notice of Appeal is being filed concurrently with this Petition, and it is respectfully requested that Applicants not be charged for the Notice of Appeal Fee, for the reasons noted above.

If the Petition is not granted, then the PTO is authorized to charge our Deposit Account No. 50-0320 for the Notice of Appeal fee of \$340.00 and/or any extension of time fees which may be due and/or any additional fees which may be due. Further, if needed, this is to be considered a Petition for an Extension of Time for the necessary amount of time.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant(s)

By   
Dennis M. Smid  
Registration No. 34,930  
(212) 588-0800



Serial No. 09/627,725 File No. 450100-02622 By GK/TK  
Title in the Matter of the Application of \_\_\_\_\_  
Applicant(s)/Inventor(s) Oyabw et al  
The following due 7/26/04 in the U.S. Patent Office, was received in the Patent Office  
☐ Affidavit ☐ Declaration ☐ Express Mail Mailing Label # \_\_\_\_\_  
☐ Amendment ☐ (separate sheet)  
☐ Preliminary Amendment ☐ Check No. \_\_\_\_\_ for \$ \_\_\_\_\_  
☒ Amendment After Final Rejection ☐ Deposit Account Order Form  
☐ Request for Extension of Time ☐ Drawing \_\_\_\_\_ Sheet(s)  
☐ Provisional Patent Application ☐ Information Disclosure Statement  
☐ Application for Patent, including ☐ PTO Form 1449  
\_\_\_\_ Pages Specification \_\_\_\_\_ Claims \_\_\_\_\_ Abstract  
☐ Declaration ☐ Oath ☐ Power ☐ Issue Fee/Publication Fee Transmittal  
☐ Request for Filing Continuation or Divisional ☐ Appeal Brief (triplicate) ☐ Letter  
Application \_\_\_\_\_ sheets ☐ Application for TM Registration  
☐ PCT Request \_\_\_\_\_ sheets, including \_\_\_\_\_ Including \_\_\_\_\_ Specimens  
☐ Transmittal Letter ☐ Status Request ☐ Notice of Appeal (trip  
☐ Request for Continued Exam (RCE) ☐ Petition ☐ Response  
☐ Assignment ☐ Recordation Cover Sheet ☐ Priority Document  
☒ Amendment Fee Transmittal ☐ Statement of Use  
☐ Claim of Priority ☐ Response to Examiner's Statement  
☐ Request for Approval of Drawings ☐ Search Report  
☐ Diskette with Sequence Listing ☐ Response to Notice to File Missing Parts

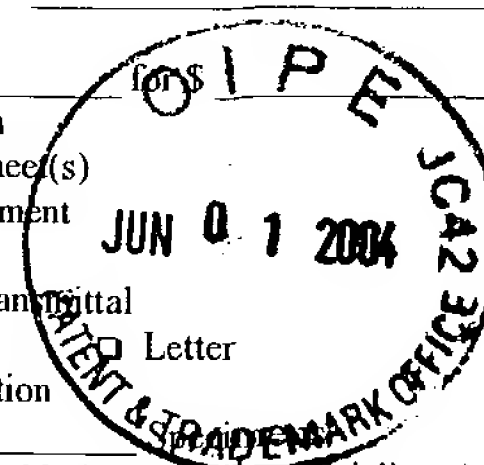
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☐ Provisional Patent Application ☐ Information Disclosure Statement  
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Mailed: 5/26/04